

REMARKS

Claims 1-11 are presented for further examination. Claim 1 has been amended, and claims 8-11 are new.

In the final Office Action mailed July 12, 2006, the Examiner maintained the rejection of claims 1-7 under 35 U.S.C. § 102 in view of U.S. Patent No. 6,522,800 (“Verma et al.”). Remarks accompanying the rejection state that Verma et al. disclose a method that meets the limitations of the claims of the present disclosure because the abstract states that it maintains a call state for the communication stream during the handoff and in the field of the invention it relates to the handover of a data connection “from one cell to another without tearing down the data connection.”

However, the unstated assumption is that while connections may be maintained, there is still communication of data. In reviewing the Verma et al. reference, it is apparent that this assumption is incorrect.

For example, in the abstract, Verma et al. describe a method in which a first connection initiator detects “loss of communication with the mobile node,” after which it sends a call-disconnect-notify (CDN) message having a cause code set to a handoff value to the connection end point. At the end of the abstract Verma et al. teach that when the method is completed the second connection initiator and the connection end point “then resume the communication stream using the call information from the first connection.” It is clear that Verma et al. disrupt the communication stream while saving the call information data to later resume the communication stream after the handoff is complete. Once that takes place, then the data connection is torn down.

For example, at column 8, lines 9-13, Verma et al. describe the completion of the handoff of a remote client 20 from one tunnel initiator, *i.e.*, tunnel initiator 230, to another tunnel initiator, *i.e.*, tunnel initiator 240, after which “a call session tear-down event 300 according to the present invention, as shown in Figure 5, will take place.” Verma et al. go on at this point in their description to describe the loss of the connection and the sending of the CDN message. It is clear that data transmission ceases, because at column 9, lines 54-61, Verma et al. describe the reception of the ZLB-ACK message 416 at a new tunnel initiator 240, wherein the status of

connection 66 is substantially the same as the call state of connection 56 when data transfer over connection 56 ceased. Further, Verma et al. state “With the call state for connection 56 established in tunnel initiator 240 and restored in tunnel endpoint 250, data transfer over connection 66 may resume where it left off when mobile node 20 left the transmission area for tunnel initiator 230.” (see Verma et al. at column 9, lines 54-61).

This is further supported in the claimed method of Verma et al. in which “loss of communication” is sensed early on in the method (see claim 1, step 3). Claim 10, which is directed to a network communication system, describes a first connection initiator being configured “to detect that the mobile client has left the first service area and, responsive thereto, transmit a disconnect message having a predetermined handoff code to the second network address and transmit a user moved message to a predetermined network broadcast address....”

In the method of the present disclosure, there is no interruption of the communication of data.

More particularly, the shifting of the traffic channel from the mobile client to the target packet data service node from the current packet data service node is accomplished only after setting all links as recited at the end of claim 1.

New claim 8 recites as a final step the sending from the radio network to the current packet data service node a notice of closure of the communication channel to the target packet data service node after the completion of the hard handoff of the mobile client to the target radio network.

Thus, while Verma et al. may maintain data connection information, communication of data clearly ceases before the new communication channel is established.

In view of the foregoing, applicants respectfully submit that claims 1 and 8 and all claims depending therefrom are allowable over Verma et al. In the event the Examiner finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact applicants’ undersigned representative by telephone at (206) 622-4900 in order to expeditiously resolve prosecution of this application. Consequently, early and favorable action allowing these claims and passing this case to issuance is respectfully solicited.

Application No. 09/846,464  
In reply to the Notice of Appeal dated January 9, 2007

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC

/E. Russell Tarleton/  
E. Russell Tarleton  
Registration No. 31,800

ERT:jl

701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

300055.489 / 968701\_2.DOC